IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF TEXAS TYLER DIVISION

v. \$ CIVIL ACTION NO. 6:17ev594

OFFICER T. THOMAS, ET AL. \$

MEMORANDUM ADOPTING REPORT AND RECOMMENDATION OF THE UNITED STATES MAGISTRATE JUDGE

The Plaintiff Christopher Athey, proceeding *pro se*, filed this civil rights lawsuit under 42 U.S.C. §1983 complaining of alleged violations of his constitutional rights. This Court ordered that the case be referred to the United States Magistrate Judge pursuant to 28 U.S.C. §636(b)(1) and (3) and the Amended Order for the Adoption of Local Rules for the Assignment of Duties to United States Magistrate Judges.

The Defendant Sgt. Chandler has filed a motion for summary judgment. The Magistrate Judge issued a Report recommending that the motion be granted as to claims for monetary damages against Sgt. Chandler in his official capacity and denied in all other respects. No objections were filed to this Report; accordingly, the parties are barred from *de novo* review by the District Judge of those findings, conclusions, and recommendations and, except upon grounds of plain error, from appellate review of the unobjected-to factual findings and legal conclusions accepted and adopted by the district court. *Douglass v. United Services Automobile Association*, 79 F.3d 1415, 1430 (5th Cir. 1996) (*en banc*).

The Court has reviewed the pleadings in this cause and the Report of the Magistrate Judge. Upon such review, the Court has determined the Report of the Magistrate Judge is correct. *See United States v. Wilson*, 864 F.2d 1219, 1221 (5th Cir.), *cert. denied*, 492 U.S. 918, 109 S.Ct. 3243

(1989) (where no objections to a Magistrate Judge's Report are filed, the standard of review is "clearly erroneous, abuse of discretion and contrary to law."). It is accordingly

ORDERED that the Report of the Magistrate Judge (docket no. 94) is **ADOPTED** as the opinion of the District Court. It is further

ORDERED that the Defendant Sgt. Chandler's motion for summary judgment (docket no. 65) is **GRANTED** as to his claim of immunity from monetary damages against him in his official capacity. It is further **ORDERED** that the motion for summary judgment is **DENIED** in all other respects.

So ORDERED and SIGNED September 25, 2019.

Ron Clark, Senior District Judge

Pm Clark